THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

W.P. NO. 23176 of 1998

DATED: 14-03-2007

Between:-

K. Veera Raghavulu s/o Mangayya, aged 65 years, Mosque Street, Polavaram village and Mandal, West Godavari District

…PETITIONER

And

The District Collector, West Godavari District at Eluru and two others.

…

RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

W.P. NO. 23176 of 1998

O R D E R

The writ petition is filed seeking a Writ of Mandamus directing the respondents to grant and assign an extent of Ac. 0.80 cents of land of Gutala village either in R.S.No. 555/1 or near thereabouts either situated in Survey Nos. 564/1-A, 555/5, 564/C or in any other survey number of Gutala village under D-Form patta, declaring that the rejection of the petitioner's claim by the Collector in his proceedings in L.PRO(J.C.B) 1019/98, dated 2-6-1998 ignoring the legal obligation of assigning Ac.2.40 cents of land of Gutala village in lieu of the land of Polavaram taken away from the petitioner for the purpose of construction of police quarters is highly arbitrary and improper.

It is the case of the petitioner that the petitioner and his ancestors are in continuous possession and cultivation of Ac.3.03 cents of land situated at Polavaram village since more than 55 years and the Tahsildar, Polavaram also granted patta in his favour . As the matters stood thus, the revenue officials such as Tahsildar, the Revenue Divisional Officer and the District Collector wanted some land at Polavaram for the purpose of constructing police quarters at Polavaram and ultimately they have selected his land of an extent of Ac.1.80 cents in Survey No.335/3 and pressurized him to surrender the said land and promised him to assign Ac.2.40 cents of land in r.S.No.551/1 of Gutala village of erstwhile Polavaram Taluk in lieu of the land taken from him and accordingly he agreed for the same. In

pursuance of their promise, the R.D.O. Kovvur issued proceedings in L.Dis.No.5341/75, dated 4-10-1975 directing the Tahsildar, Polavaram for issue of patta for Ac.2.40 cents in R.S.No.555/1 of Gutala village in his favour. Consequently, the Government had taken away the land of Ac.1.80 cents of Polavaram village and ordered to grant him Ac.2.40 cents in lieu thereof. In spite of the directions of the Revenue Divisional Officer, the Tahasildar of Polavaram granted a patta only for Ac.1.43 cents in Survey No.555/1 of Gutala village. In addition, the Tahasildar assigned Ac.0.17 cents of land situated in R.S.No.564/1-A of Gutala by merely making entries in the revenue records and did not grant him any formal patta for Ac.0.17 cents. Thus, he was in possession of Ac.1.60 cents of land of Gutala village as against Ac.1.80 cents of land of Polavaram taken from him. Though he made several representations and requests to the Government and the revenue officials to grant him the balance of ac.0.80 cents of land, but no action was taken.

While admitting the writ petition, this Court, on 20.08.1998 granted interim order directing the respondents to make an adhoc assignment of land of an extent not less than Ac.0.80 cents of land in Gutala village or other village on purely adhoc and temporary basis to the petitioner.

Despite the fact that notices are served on the respondents, the respondents have not chosen to file any counter affidavit.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, I deem it appropriate to dispose of the writ petition holding that if the petitioner is entitled for the said adhoc assignment of land, if any, he may be allotted the same, and if the said adhoc assignment has already been made, the same shall be made absolute.

Accordingly, the writ petition is disposed of. No costs.

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GOPALA KRISHNA

TAMADA,J
Dated: 14-3-2007
vp